

CHAPTER 89-04-09 PERMANENT IMPOUNDMENTS

Section

89-04-09-01

Requirements for Permanent Impoundments

89-04-09-01. Requirements for permanent impoundments. The permittee may construct, if authorized by the state engineer pursuant to this chapter, permanent water impoundments on mining sites as a part of reclamation activities only when they are adequately demonstrated to be in compliance with applicable state statutes and regulations in addition to the following requirements:

1. The size of the impoundment is adequate for its intended purposes.
2. The impoundment dam construction is designed to achieve necessary stability with an adequate margin of safety compatible with that of structures constructed under the Watershed Protection and Flood Prevention Act (Pub. L. 83-566, 16 U.S.C. 1006).
3. The level of water will be reasonable stable.
4. Final grading will provide adequate safety and access for proposed water users.
5. Water impoundments will not result in the diminution of the quantity of water used by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses.

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